

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT A. DE JESUS,

: Plaintiff,

-against-

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

: Defendant.

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WILLIAM H. PAULEY III, District Judge:

USDC SDNY
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Plaintiff Robert A. De Jesus filed this action on July 17, 2014 seeking review of the final decision of Administrative Law Judge James Kearns (the “ALJ”) finding that De Jesus was not disabled under the Social Security Act and was not entitled to disability insurance benefits. On January 12, 2015, the Commissioner of Social Security moved for Judgment on the Pleadings. However, the Commissioner did not file copies of the Answer or administrative record until May 27, 2015. By a Report and Recommendation dated July 24, 2015 (“the Report”), Magistrate Judge Ronald Ellis recommended that this Court deny the Commissioner’s motion for judgment on the pleadings and remand the case for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Neither party has objected to the Report.

This Court has reviewed Magistrate Judge Ellis’s thorough Report and finds it is not facially erroneous. This Court affirms and adopts it. Accordingly, the Commissioner’s motion is denied, and this case is remanded for further administrative proceedings before the ALJ to develop the record in accord with the Report.

The Clerk of Court is directed to terminate the motion pending at ECF No. 10 and mark this case as closed.

Dated: January 19, 2016
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.

1/19/16

Copy mailed to:

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